

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:04-CR-56-2H  
NO. 4:07-CV-186-H

NATHAN S. PETWAY, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

ORDER

On December 2, 2011, petitioner filed a motion to vacate his sentence. Inasmuch as defendant appears to be challenging his sentence based on the Supreme Court's recent decision in Carachuri-Rosendo v. Holder, 130 S. Ct. 2577 (2010), as applied in United States v. Simmons, 649 F.3d 237, 240 (4th Cir. 2011), this matter is referred to the Federal Public Defender for appointment of counsel pursuant to this court's October 18, 2011, Standing Order, 11-SO-3. Counsel for petitioner shall have sixty (60) days from the date this order is entered to amend or supplement petitioner's motion. The government shall respond within forty-five days after service of any amendment or supplement filed by counsel, or within forty-five days of counsel's deadline if no such amendment or supplement is filed.

Any reply shall be filed within fourteen (14) days of service of  
the government's response.

This 19th day of December 2011.

  
\_\_\_\_\_  
MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
#31